



# **PLANNING COMMISSION AGENDA REPORT**

VI.7

MEETING DATE: APRIL 13, 2009

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-09-08  
LIVE PUPPET THEATER FOR CHILDREN  
3077 BRISTOL STREET

DATE: APRIL 2, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

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## **PROJECT DESCRIPTION**

The applicant requests approval of a conditional use permit to establish a live puppet theater for children.

## **APPLICANT**

Craig Martinelli is the authorized agent for property owner Hashem Kermani.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

**BACKGROUND**

The property is located near the northwest corner of Paularino Avenue and Bristol Street, two blocks north of the South Bristol Entertainment and Cultural Arts (SoBECA) Urban Plan Area. The lot is surrounded by commercial uses to the north (formerly Glabman Furniture), south (medical office building), and across Bristol Street to the east (Hilton Hotel). The properties to the west contain single-family residences.

The property takes access from Paularino Avenue through the adjoining property to the south at 720 Paularino Avenue and shares driveway access from Bristol Street with the adjoining property to the north at 3089 Bristol Street.

The lot contains a 10,300 square-foot commercial building. The applicant proposes to occupy a 4,000 square-foot suite to establish Kurogo Productions, a live puppet theater for children. The remaining portion of the building will continue to be used by Orient Handel rug store. The Zoning Code requires approval of a conditional use permit (CUP) for theaters within 200 feet of residential zones.

**ANALYSIS**

According to the applicant, the suite will be used as a live puppet theater and performance art venue for children. The audience space will seat a maximum of 75 people including adults or parents; no fixed seats are proposed. The front of the suite facing Bristol Street will be used as a box office, lobby, and art display area, separated from the seating and performance area to the rear by curtains. There will be 15 performances for two weekends every other month. A typical schedule of performances will include 7 p.m. on Fridays, first show at 11 a.m. and last show at 7 p.m. on Saturdays, and a 3 p.m. show on Sundays.

The applicant anticipates a maximum of 30 driving adults/parents during performances, 13 cast/crew members, and three daily staff on the property at any one time for a total of 46 cars on-site; 53 parking spaces exist. Although 25 spaces are required for the retail space of the other tenant, staff does not anticipate any parking impacts because performances will take place on Friday evenings and weekends, when the rug store is closed. The cast/crew and other employees will be on-site for rehearsals and administrative work during the week, requiring approximately 16 parking spaces. Staff believes that the 53 on-site parking spaces are adequate to support the theater, which would generate the need for 46 spaces, due to offset hours of operation from the existing business on the property. However, should the rug store be replaced by another use with concurrent operating hours, staff recommends a condition requiring free, on-site valet parking service or off-site parking with a conditional use permit approval, to prevent potential parking impacts.

Staff also does not anticipate any impacts to the residents to the west because the building is located approximately 200 feet away from the western property line and a six-foot high block wall and landscaping provide the residents buffer from the parking lot. Additionally, evening shows will end before 9 p.m. Staff recommends a condition

requiring the rear doors to remain closed during performances to further ensure mitigation of any noise impacts.

### **GENERAL PLAN CONSISTENCY**

The General Plan permits a wide range of commercial uses within the General Commercial land use designation. The use is permitted in the C1 zone with a conditional use permit, and, therefore, staff believes with the recommended conditions of approval the use would be consistent with the General Plan.

### **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow the live puppet theater for children to be established as proposed.
2. Deny the application. If Commission denies the application, the use may not be established at this location. Another use permitted in the commercial zone may be established. A similar request may not be submitted for six months.

### **ENVIRONMENTAL DETERMINATION**

If approved, the conditional use permit is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. If the application is denied, CEQA does not apply because the use will not be established.

### **CONCLUSION**

Staff does not anticipate any parking impacts because of its offset hours of operation from the adjoining retail business, or any noise impacts on the residents to the west. Noise impacts will be minimized by the existing six-foot high block wall and landscaping along the western property line and because the building is set back approximately 200 feet from the residential properties. Additionally, staff believes the use will be compatible with the surrounding neighborhood because the evening performances will end before 9 p.m. Therefore, staff recommends approval of the application.

Attachments: 1. Draft Planning Commission Resolutions for Approval and Denial  
 2. Applicant's Project Description Letter  
 3. Location/Aerial Map  
 4. Plans

cc: Deputy City Manager - Dev. Svs.  
 Deputy City Attorney  
 City Engineer  
 Fire Protection Analyst  
 Staff (4)  
 File (2)

Craig Martinelli  
 835 Locust Ave., #216  
 Long Beach, CA 90813

Hashem Kermani  
3077 Bristol Street  
Costa Mesa, CA 92626

File: 041309PA0908	Date: 040209	Time: 9:45 a.m.
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ATTACHMENT 1

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-09-08**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Craig Martinelli, authorized agent for property owner Hashem Kermani, requesting approval of a conditional use permit for a live puppet theater for children, located at 3077 Bristol Street, in a C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 13, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-09-08 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-09-08 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 13<sup>th</sup> day of April 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 13, 2009, by the following votes:

AYES:           COMMISSIONERS

NOES:           COMMISSIONERS

ABSENT:        COMMISSIONERS

ABSTAIN:       COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"**

**FINDINGS (APPROVAL)**

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on-site and on surrounding properties.
  2. The project is consistent with the General Plan with the approval of a conditional use permit.
  3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, no parking impacts are anticipated because the theater will have offset hours of operation from the existing business on the property. No noise impacts on the residents to the west are anticipated because the existing six-foot high block wall and landscaping along the western property line will provide an adequate buffer to the residents from the parking lot. Furthermore, the building is set back approximately 200 feet from the residential properties and evening performances will end before 9 p.m.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- PIng.
1. The doors facing the parking lot shall remain closed during performances.
  2. The use shall be limited to the type of operation described in the staff report (i.e. children's theater with offset hours of operation, evening performances ending before 9 p.m.). Any change in the operational characteristics including, but not limited to, the hours of operation and number of performers, staff, or audiences, shall require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
  3. The business shall be conducted at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business owner shall institute whatever security and operational measure are necessary to comply with this requirement.
  4. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing the number of audiences and/or performances.
  5. Should the existing rug store be replaced by another use with concurrent operating hours, free, on-site valet parking service shall be instituted per Planning staff approval, or off-site parking be provided with a conditional use permit approval, to prevent potential parking impacts. The applicant/business operator shall submit a valet parking plan to the Planning Division for review and approval prior to start of service.
  6. The property shall be posted with signs directing theater patrons to use consideration of the residents when leaving the parking lot.
  7. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.



**RESOLUTION NO. PC-09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-09-08**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Craig Martinelli, authorized agent for property owner Hashem Kermani, requesting approval of a conditional use permit for a live puppet theater for children, located at 3077 Bristol Street, in a C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 13, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-09-08 with respect to the property described above.

**PASSED AND ADOPTED this 13<sup>th</sup> day of April 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (DENIAL)**

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
  - 1. The proposed use is not compatible and harmonious with uses on-site and on surrounding properties.
  - 2. The project is not consistent with the General Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.
- C. The Costa Mesa Planning Commission has denied PA-09-08. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**THE COMPANY**

*Kurogo Productions* is the imagination studio of choreographer and master puppeteer Richard Gray, a Mesa Verde native with a BFA and MFA from UCI. The company's main objective is to introduce children to the wonder of live theatre and performance art as multi-cultural puppets and masks, all original, commissioned or collectible pieces, are integrated into shows with human actors and dancers.



While all are welcome as the shows are designed for children and the child in everyone, the key demographic is 4-12 years. Most importantly the 65 minute shows provide an opportunity for parent and child to enjoy quality together time at an affordable price. The audience space will seat 50-75 people, most likely 2/3rd children, 1/3 adult.

An interactive educational component called *Snoop 'n Poke* is part of every show allowing children to see the puppets, masks and sets up close, and ask questions of the performers and puppeteers. We also plan to partner with local libraries or schools to create a literacy program that encourages the reading of literature before seeing it performed. Our main objective is to entertain but informing and sharing information in a real-world setting is the best experience a child can have.

**THE LOCATION**

A box-shaped storefront in SoBeCa, to be utilized as a multi-cultural live theatre space, is a two-unit building currently housing an Oriental rug store on one side and the now-vacant former home of Standard Shoes on the other. Advantages:

- Location in SoBeCa Arts Zone
- Front audience entrance/exit on major thoroughfare
- 1 exit at back of building
- Adequate ingress / egress from two different streets
- Open rear parking including 2 Handicap Spaces
- 1 Unisex bathroom to be upgraded
- 2<sup>nd</sup> Unisex ADA bathroom to be added, if required

**BUSINESS MODEL**

This is not a traditional theatre set-up. There will be no raised stage, no permanent seating installation. We require a large, flat open space to maneuver rolling set pieces where the puppet shows take place. Limited partitioning will be done with curtains and draperies.



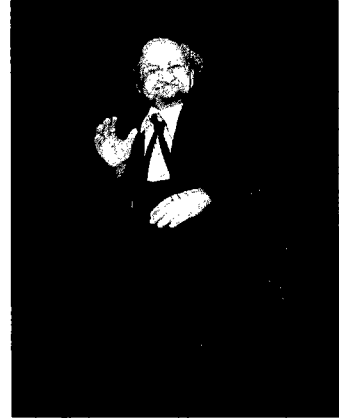
The Lobby and Box Office area will be a revolving art gallery of fine mask, puppet and porcelain collectibles possessed by or loaned to the Company as well as artwork created by local school children that tie into the theme of the current show. We hope to hold art contests and award prizes.

This is not a store with doors open daily from 10-6. Five original productions will be produced in a season cycle. In other words, there are 15 performances for two weekends every other month. Performances

## KUROGO PRODUCTIONS

take place on Friday evenings and weekend days. Rehearsals take place weekdays and some weekends. Most days the location will be occupied by 2 or 3 employees creating and building the show or managing the company.

The company is funded by the Gray Foundation, a private non-profit, as part of their community outreach to the arts. Their generous endowment covers operating expenses and basic production costs allowing the ticket price structure to remain affordable for families. This isn't "Wicked;" this is mom and a kid able to see a live theatre show for \$25 for both tickets. Additionally, the Foundation donates free show tickets for groups like the Boys & Girl's Club.



### **CONDITIONAL USE PERMIT:**

Kurogo Productions is an innovative company of the arts looking for a home in SoBeCa, a stone's throw from the Performing Arts Center and adjacent to family neighborhoods with inhabitants who can buy tickets to our shows. The Camp and The Lab are two blocks away and boutiques, cafes and art galleries are part of an eclectic neighborhood where our decidedly eclectic company would be a perfect fit. Bristol is a main thoroughfare populated with a variety of other community businesses that can only be enhanced by more foot traffic.

Our use is occasional and limited to certain hours and days of the week. Our fellow tenant is closed on weekends when we have performances. Our show model does not include blasting music – these are young kids - so sound issues aren't of concern. The kids attending our shows aren't inclined to hang out in the parking lot afterwards and make noise that disturbs nearby neighbors. This is a place where families gather for fun and then go home.

### **PARKING**



\*75 max tickets sold with 1/3 adults, presumed drivers = 25 cars

Open parking behind the building includes 51 open stalls and 2 handicap spaces. Ingress and egress to parking is from the southbound lane of Bristol Street and lanes in both directions of Paularino via driveways at the front and rear of the parking lot (3 driveways total access the lot).

<u>USEAGE</u>	<u>CARS</u>	<u>TOTAL</u>
Daily Staff	3	3
Rehearsal cast/crew	10	13
Performance*	30	46

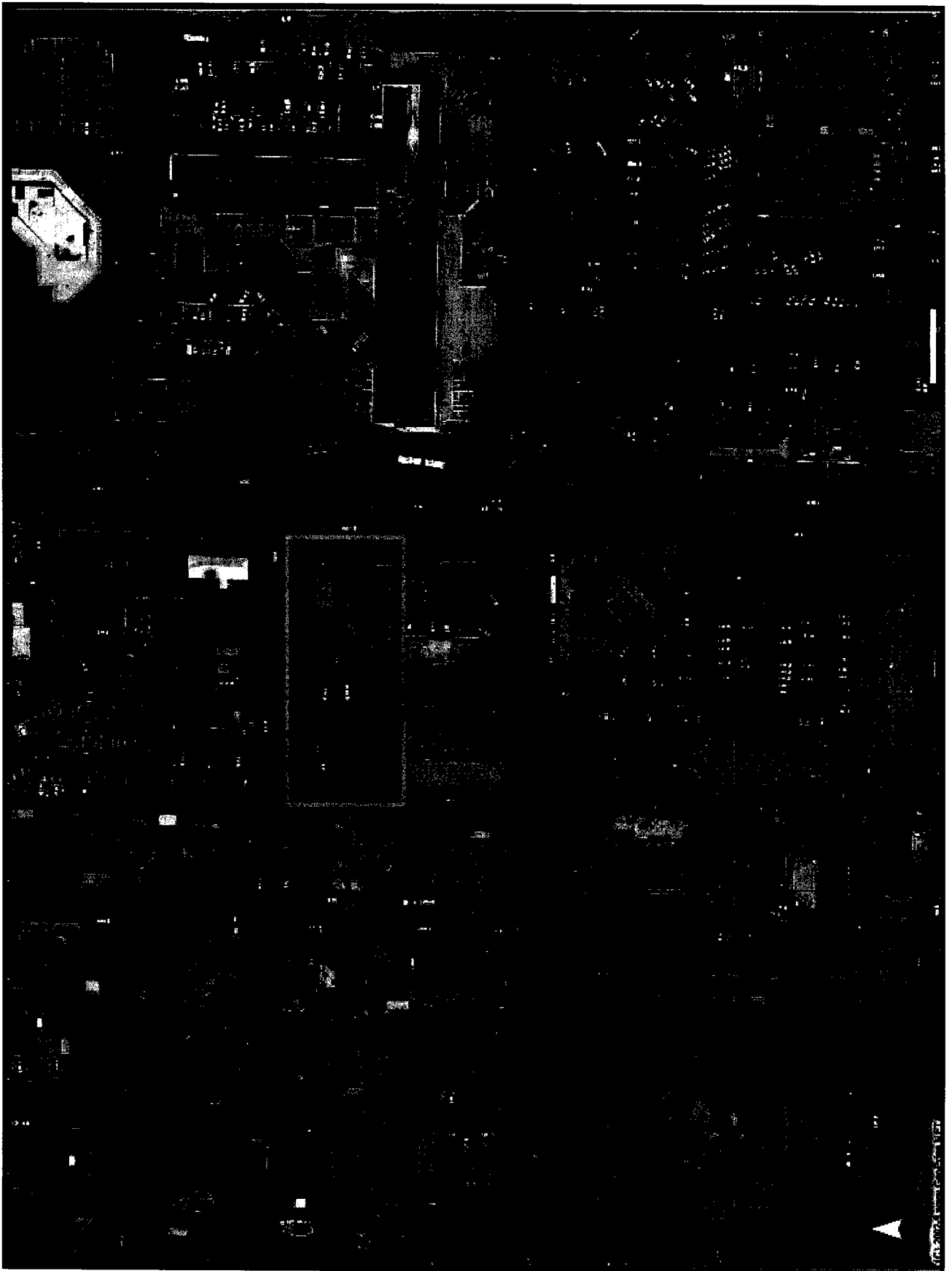
### **COMMUNITY ENHANCEMENT**

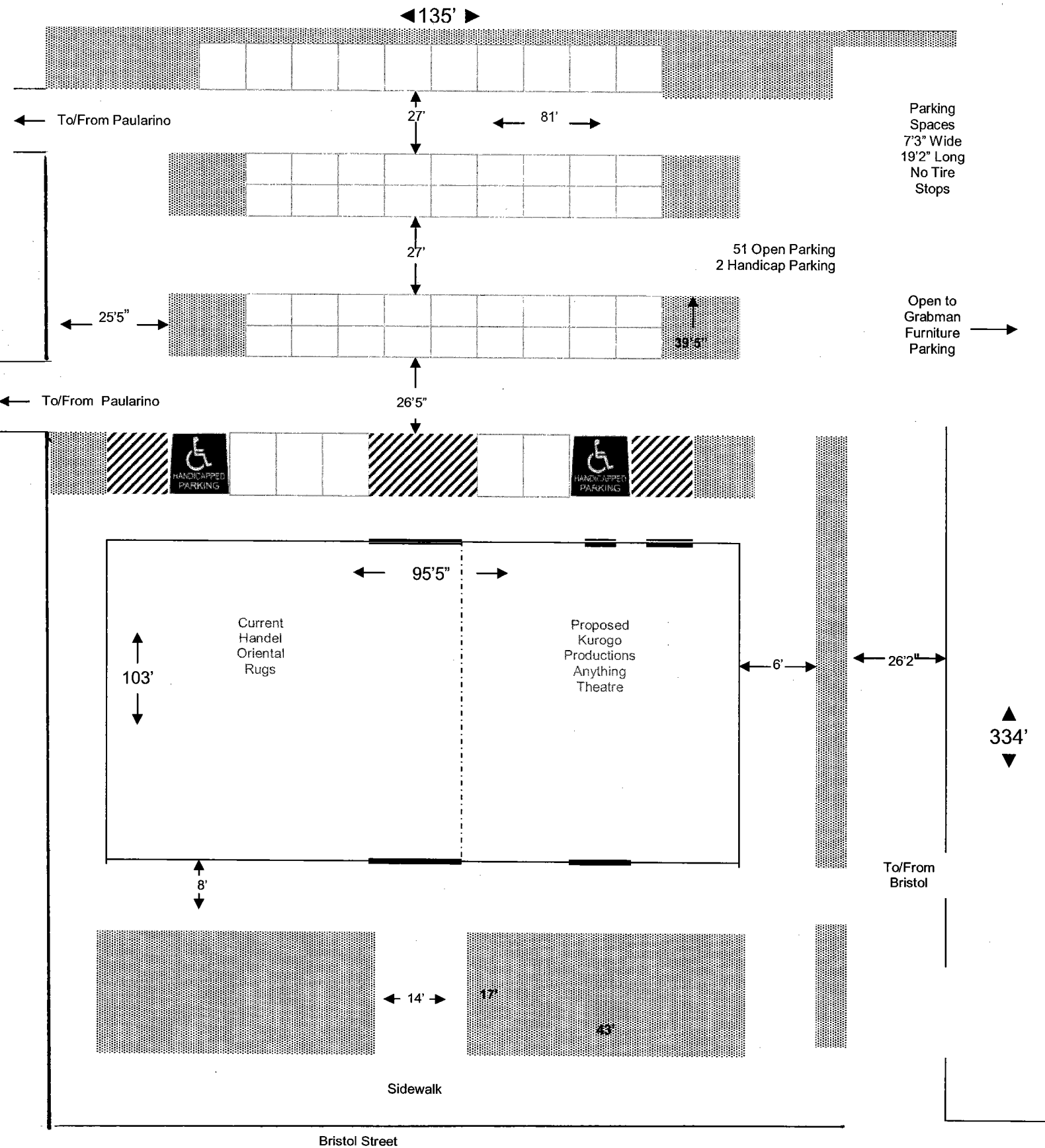
Kurogo uniquely interprets the old fashioned community theatre concept. It will provide a venue where parents and kids can spend an hour together laughing and having fun; it will use art in distinctive and compelling performances; and it will encourage that kid who dreams of working in the theater by providing a place to observe, learn, explore and just go ahead and dream!



ATTACHMENT 3

LOCATION/AERIAL MAP





Parking  
Spaces  
7'3" Wide  
19'2" Long  
No Tire  
Stops

51 Open Parking  
2 Handicap Parking

Open to  
Grabman  
Furniture  
Parking

Current  
Handel  
Oriental  
Rugs

Proposed  
Kurogo  
Productions  
Anything  
Theatre

Sidewalk

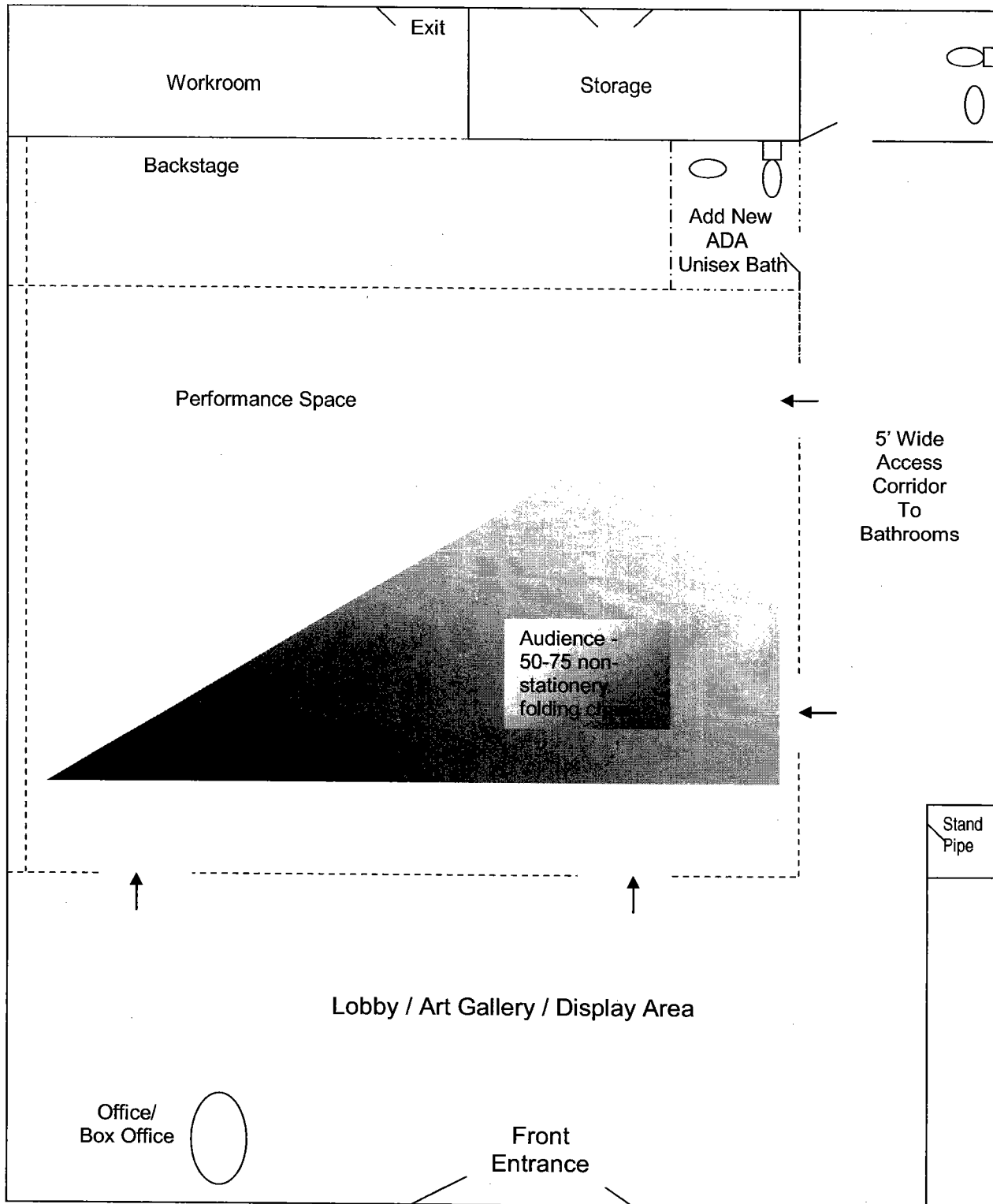
Bristol Street

Landscape

W

3077 Bristol St. SITE PLAN  
Current March 7, 2009

ZA-09-08  
File



----- Curtain

3077 Bristol Street  
Business Use Interior Layout  
*Anything Theatre*